

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 97-80383
HON. AVERN COHN

MICHAEL McINTYRE,

Defendant.

_____ /

ORDER DENYING MOTION TO EXPUNGE CRIMINAL RECORD

I.

This is a criminal case which has long since closed. In 1998, defendant was convicted, following a guilty plea, of bribery of a public official, in violation of 18 U.S.C. § 201(b)(2)(A). Defendant has long since served his period of incarceration and supervised release. Before the Court is defendant's Motion for Expungement of Criminal Conviction. For the reasons that follow, the motion will be denied.

II.

Defendant says he has been a law-abiding citizen, husband, and father since his release many years ago. His papers attached to his motion attest to that. Although the Court applauds defendant's productive life, the Court lacks authority to expunge his conviction. First, while several statutes permit expungement motions, none of the them apply to defendant's case. See 18 U.S.C. § 3607(c); 21 U.S.C. § 844a(j); 5 U.S.C. § 552a(g); 42 U.S.C. § 14132(d); 10 U.S.C. § 1565(e). Moreover, the Court of Appeals for the Sixth Circuit has recently held that in the absence of an applicable statute, a

district court lacks jurisdiction to entertain an expungement motion. *See United States v. Lucido*, ___ F3d ___ (6th Cir. 2010); 2010 WL 2925100 (6th Cir. July 28, 2010).

Accordingly, defendant's motion is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 9, 2010

I hereby certify that a copy of the foregoing document was mailed to **Michael B. McIntyre, 34384 Means Drive, Clinton Township, MI 48035** and the attorneys of record on this date, August 9, 2010, by electronic and/or ordinary mail.

S/Michael Williams
Case Manager, (313) 234-5160